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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,372	03/26/2004	George T. Domizio	03-284-2	2082
34704 7590 12/22/2006 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			EXAMINER REESE, DAVID C	
			ART UNIT 3677	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/811,372

Applicant(s)

DOMIZIO, GEORGE T.

Examiner

David C. Reese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application:
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 15 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

In view of the appeal brief filed on 10/4/2006, and newly found art, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



### *Status of claims*

- Claim 12 is withdrawn.
- Claims 1-15 are pending.

### *Claim Rejections - 35 USC § 103*

[1] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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[2] Claims 1-3, 6-7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regan et al. US-4,083,162, in view of Haldopoulos, US-3,448,466.

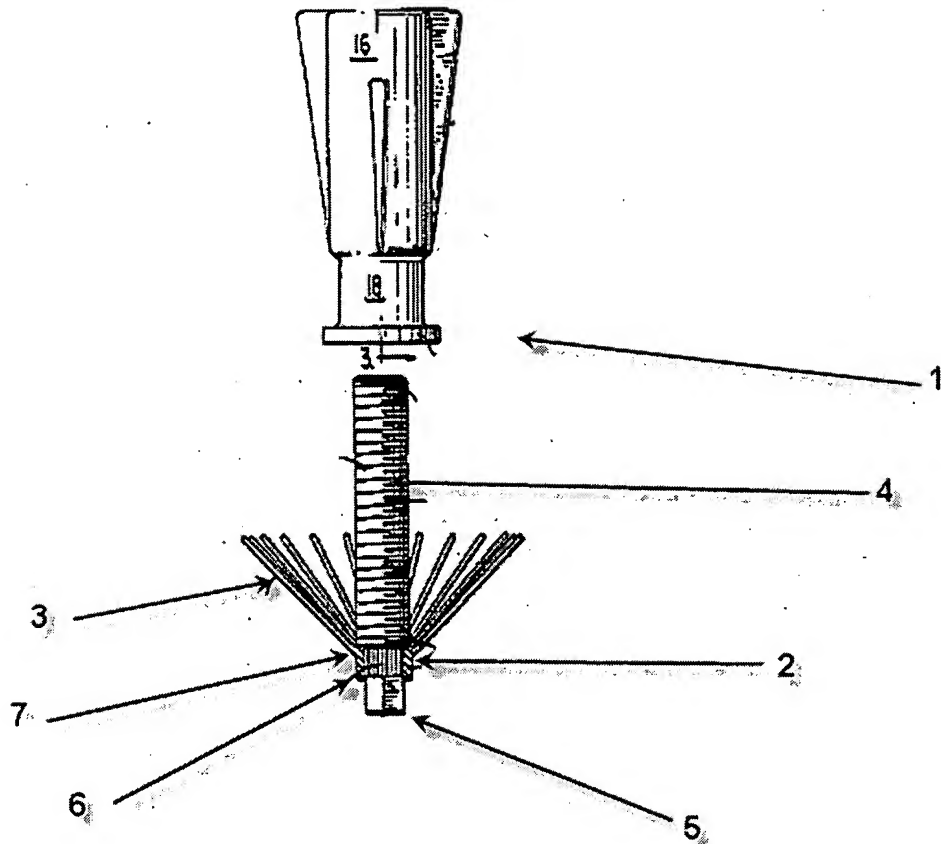
Although the invention is not identically disclosed or described as set forth 35 U.S.C. 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a designer having ordinary skill in the art to which said subject matter pertains, the invention is not patentable.

As for Claim 1, Regan et al. discloses a bolt (1) (see figure below) for securing a threaded member relative to a mold wall, comprising:

a head portion (2) having a central portion, a rounded end extending from one end of the central portion and at least one wing (3) flexibly extending laterally with respect to a longitudinal axis of the central portion; and

a thread protector (4) comprising a threaded member (4) having a head (5), the thread protector (4) being releasably (2 is capable of being released from 4, as they are not integral) connected to the central portion (2).

Examiner's note: the applicant should consider the use of the word "frangible" instead of "being releasably connected to" to help properly delineate the patentable features of the present application from that of the prior art.



The difference between the claim and Regan et al. is that Regan et al. does not expressly disclose that the head (5) has a slot in said head. Haldopoulous discloses a bolt with a head similar to that of Regan et al. In addition, Haldopoulous further teaches of the head possessing a slot as shown in figure 3 of Haldopoulous. It would have been obvious to one of ordinary skill in the art, having the disclosures of Regan et al. and Haldopoulous before him at the time the invention was made, to modify the head of Regan et al. to also include a slot, as in Haldopoulous. One would have been motivated to make such a combination because modifying the head by incorporating a slot, allows for a different method by which to remove the bolt, as

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with a screwdriver, as taught by Haldopoulos (col. 3, lines 29-30). Since Regan et al., individually discloses of a tool engaging element (5), it is purely a matter of art recognized equivalent and obvious to one skilled in the art to substitute and/or add a slot into the tool engaging element (5) as to allow a screwdriver as one of plural methods by which to remove the bolt.

Re: Claim 2, Regan et al. discloses wherein the central portion has a solid base (6) at an end opposite to the rounded end, and wherein the slotted head (5 in view of Haldopoulos) of the thread protector (4) is releasably (2 is capable of being released from 4, as they are not integral) (also see examiner's note from above) connected to the solid base (6).

Re: Claim 3, Regan et al. discloses wherein the at least one wing (3) comprises at least two wings extending laterally from opposite sides of the central portion.

Re: Claim 6, Regan et al. discloses wherein the at least one wing (3) extends outwardly and rearwardly from the rounded head.

As for Claim 7, Regan et al. discloses wherein the at least one wing (3) is hinged mounted to the central portion at a hinged connection (7).

Re: Claim 15, Regan et al. discloses wherein the head portion (5) has an axis and the central portion has a side wall substantially parallel to the axis, wherein the at least one wing (3) is pivotable relative to the central portion between a compressed position wherein the at least one wing (3) is substantially parallel to the side wall (Fig. 4) and an extended position (Figs. 5-6) wherein the at least one wing (3) is angled away from the side wall and wherein the outer wall of the at least one wing (3) is aligned with an outer wall of the solid base when the at least one wing (3) is in the compressed position.

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*Reasons for Allowance*

[3] Claims 4-5, 8-11, and 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for Claims 4-5, 8-11, and 13-14, the prior art, incorporating other corresponding limitations as set forth above, does not teach or provide motivation for (with respect to Regan et al.) the outer surface of the wings having ridges (claim 4); of a longitudinal slot disposed along the central portion (claims 5 and 9); a forward facing portion of the wing extending forward from the hinge connection, and a rearward facing portion of the wing extending rearwardly from the hinge connection (claims 8 and 13). Claims 10-11 and 14 are dependent upon claims 9 and 13, respectively.

*Conclusion*

[4] **THIS ACTION IS NON-FINAL**


[5] Please note the additional notice of reference cited.

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCR



12/20/06



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